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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 REEM A. GOHAR, an individual,  
12 Plaintiff,

13 vs.

14 MICHAEL B. MUKASEY, ET AL,  
15 Defendants.  
16

NO. CV-07-295-LRS

~~[PROPOSED]~~ ORDER GRANTING  
MOTION AND REMANDING  
PETITION FOR HEARING ON  
NATURALIZATION APPLICATION  
TO THE CITIZENSHIP AND  
NATURALIZATION SERVICE  
WITH INSTRUCTIONS

17 The Court has read and considered the papers filed in connection with the  
18 motion for an Order remanding Plaintiff REEM A. GOHAR'S Petition for Hearing  
19 on Naturalization Application to the United States Citizenship and Immigration  
20 Service, and now HEREBY GRANTS the motion for the following reasons:

21 1. On September 28, 2007, Plaintiff filed a Petition for Hearing on  
22 Naturalization Application ("Petition"). Plaintiff asks the Court to adjudicate her  
23 Form N-400 Application for Naturalization ("Application"). See Petition, p. 5  
24 (Prayer for Relief ¶¶).  
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1           2.     The Court has jurisdiction over this action pursuant to 8 U.S.C. §  
2 1447(b), which provides:

3           If there is a failure to make a determination under section 1446 of this title  
4 before the end of the 120-day period after the date on which the  
5 examination is conducted under such section, the applicant may apply to the  
6 United States district court for the district in which the applicant resides for  
a hearing on the matter. Such court has jurisdiction over the matter and may  
either determine the matter or remand the matter, with appropriate  
instructions, to the Service to determine the matter.

7 8 U.S.C. § 1447(b) (emphasis added).

8           3.     Under Section 1447(b), the Court has two options. The first option is  
9 to “determine the matter.” See United States v. Hovsepian, 359 F.3d 1144, 1160  
10 (9<sup>th</sup> 2004) (quoting 8 U.S.C. § 1447(b)). Section 1447(b) also allows the Court, in  
11 lieu of the first option of “determin[ing] the matter,” to “remand the matter, with  
12 appropriate instructions, to the Service to determine the matter.” Id.

13           4.     The Parties are before the Court with a Motion to Remand the  
14 Petition to CIS (“Motion”). Remanding this action to CIS would serve the  
15 interests of efficiency and judicial economy.

16           5.     Furthermore, a remand would not preclude the filing of a subsequent  
17 district court action by Plaintiff in the event that CIS should deny the Application.  
18 See 8 U.S.C. § 1421(c).

19           6.     Therefore, for the foregoing reasons, the Court HEREBY GRANTS  
20 the Motion and ORDERS as follows:

21           7.     The Court REMANDS the Petition to CIS with instructions to  
22 adjudicate and issue a decision in the Application within ninety (90) days of the  
23 Order of Remand.

24           8.     The Court DISMISSES Plaintiff’s action without prejudice.  
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9. Each party shall bear their own costs, fees and expenses.

**IT IS SO ORDERED.**

**IT IS FURTHER ORDERED** that the Clerk of the Court shall serve copies of this Order on counsel for all parties.

DATED this 23rd day of April, 2008.

s/Lonny R. Suko

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LONNY R. SUKO  
United States District Judge

PRESENTED BY:

JAMES A. McDEVITT  
United States Attorney

s/ Frank A. Wilson  
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Frank A. Wilson  
Assistant United States Attorney  
Attorney for Defendants  
USA-WAE-FWilson

MILLER DEVLIN & McLEAN, P.S.

s/Frank A. Wilson  
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Telephonic Approval  
ERNEST D. GRECO  
Attorney for Plaintiff